

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q57709

Patrick BRINDEL, et al.

Appln. No.: 09/493,091

Group Art Unit: 2633

Confirmation No.: 1773

Examiner: Shi K. LI

Filed: January 28, 2000

For: WDM REGENERATED TRANSMISSION SYSTEM

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Patrick BRINDEL, hereby declare and state as follows:

THAT I am a citizen of France and I am a joint inventor of an invention entitled WDM REGENERATED TRANSMISSION SYSTEM, which is disclosed and claimed in the above-captioned U.S. patent application 09/493,091 (the '091 application, hereafter);

THAT I am employed by ALCATEL, the assignee of the '091 application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on January 28, 2000 at Reel 010555, Frame 0528;

THAT I, along with my co-inventors, conceived the invention disclosed and claimed in the above referenced application in the course of my work for ALCATEL prior to February 18, 1999.

I understand that in an Office Action mailed March 28, 2005, the Examiner applied, as a reference against claims 1-4, 7, 15-17, 19, and 20 of the '091 application, a U.S. Patent No. 6,370,300 B1 granted to Eggleton et al. (hereinafter "Eggleton").

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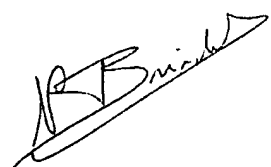
I further understand that claims 1-4, 15-17, 19, and 20 of the '091 application are rejected as being obvious over Eggleton in view of U.S. Patent No. 6,400,498 granted to Shimomura et al. (hereinafter "Shimomura") and that claim 7 of the '091 application is rejected as being obvious over Eggleton in view of Shimomura and U.S. Patent No. 6,108,125 granted to Yano.

I further declare that, I, along with the co-inventors, invented the subject matter of claims 1-4, 7, 15-17, 19, and 20 of the '091 application, prior to February 18, 1999. As evidence, I rely on the Invention Disclosure Statement (hereinafter "*Exhibit A*"), which is described below in more detail.

I further declare that *Exhibit A* is an Invention Disclosure Statement. On front page of the Invention Disclosure Statement, the title of the invention, "Asynchronous WDM regenerated transmission," is depicted. In addition, the front page of the Invention Disclosure Statement is signed by me on December 17, 1998, which is the date the Invention Disclosure Statement was completed. The date in the box "Programmes" on the front page of the Invention Disclosure Statement should read 6 Jan. 1999 as opposed to 6 Jan 1998.

I further declare that *Exhibit A* discloses, on the numbered page 1 (out of the numbered 4 pages): the title of the Invention, list of the inventors, technical problem, and known solutions. Inventor, Emmanuel Desurvire, was inadvertently omitted from the listing of the inventors appearing on page 1 of the Invention Disclosure Statement. He was, however, added to the list of inventors prior to the filing of the priority document.

I further declare that *Exhibit A*, dated December 17, 1998, fully discloses the subject matter of claims 1-4, 7, 15-17, 19, and 20 of the '091 and proves that I, along with the co-



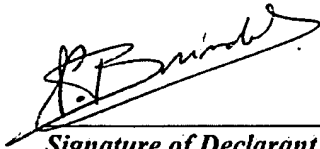
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inventors, invented the subject matter of claims 1-4, 7, 15-17, 19, and 20 of the '091 no later than December 17, 1998. The support for each of the claims may be found in the *Exhibit A*, e.g., see the numbered pages 2-4 of the Invention Disclosure Statement.

I further declare that, in view of the foregoing, it is clear that I, the named inventor of the present '091 application, along with the co-inventors, invented the subject matter of all of claims 1-4, 7, 15-17, 19, and 20 prior to February 18, 1999, the filing date of the Eggleton reference cited in the Office Action.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 2005, 17th



Signature of Declarant

Patrick BRINDEL
Printed Name of Declarant